

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDWARD AYOTTE,

Plaintiff,
v.
COMMISSIONER OF SOCIAL SECURITY,
Defendant.

Case Number 13-15084
Honorable David M. Lawson
Magistrate Judge R. Steven Whalen

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT,
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT,
AFFIRMING DECISION OF THE COMMISSIONER,
AND DISMISSING COMPLAINT

Presently before the Court is the report issued on October 19, 2014 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b), recommending that the Court deny the plaintiff's motion for summary judgment, grant the defendant's motion for summary judgment, and affirm the decision of the Commissioner. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #10] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #8] is **DENIED**.

It is further **ORDERED** that the defendant's motion for summary judgment [dkt. #9] is **GRANTED**.

It is further **ORDERED** that the decision of the Commissioner is **AFFIRMED**.

It is further **ORDERED** that the complaint is **DISMISSED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 24, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 24, 2014.

s/Susan Pinkowski
SUSAN PINKOWSKI